

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

100-12649-MLW P 13 14
REPUBLIC RESTAURANT, INC. Plaintiff, v. HYDAN WASHINGTON STREET, INC., d/b/a PHO REPUBLIQUE and JACK H. BARDY Defendant.

**JOINT MOTION TO ALLOW DEFENDANT
TO FILE ITS ANSWER LATE AND TO EXTEND TIME TO ANSWER**

Now come both plaintiff and defendant and move this Court to allow Defendant to Answer late and for an additional thirty (30) days within which defendant may file its Answer. In support of this Joint Motion, the parties state as follows:

1. The Complaint was served on or about January 12, 2004.
2. The parties had arranged to file an assented to joint motion to extend Defendant's time to answer for thirty (30) days in a telephone conference on January 30, 2004, a confirming letter (Attached as Exhibit A) was sent via facsimile to counsel for the Plaintiff, also on January 30, 2004.
3. Through an error, the agreed to joint motion to extend was never filed.
4. Allowing the parties to have time to attempt to settle this matter in advance of an Answer will further the interests of the parties and the Court.

WHEREFORE, both parties request that defendant has up to and including March 1, 2004 to file its Answer.

COUNSEL FOR PLAINTIFF



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Respectfully submitted,

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DATED: February 6, 2004

Of Counsel:


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EXHIBIT A

BURNS & LEVINSON LLP

C o u n s e l l o r s a t L a w

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BY FACSIMILE (617) 951-1354

January 30, 2004

Matthew E. Mitchell, Esq.
Keegan, Werlin & Pabian, LLP
265 Franklin Street
Boston, MA 02110-3113

Re: Republic Restaurant, Inc. v. Hydan Washington Street, Inc., et al.
Civil Action No. 03 12649MLW

Dear Matt,

I am writing to confirm our telephone conversation of earlier today regarding extending the time to answer the Complaint for the above referenced action. As we discussed, a 30 day extension of time seems adequate. Given the closeness of the deadline, February 2, 2004, and my limited availability today and Monday I ask that you file a joint stipulation or assented to motion with the Court reflecting our agreement to extend. I give you permission to sign on my behalf as I will be largely unavailable. My BBO number is 637,056.

I will look forward to hearing back from you regarding the contact details for Mr. Tamarin so that I can contact him directly.

Best regards,



Merton E. Thompson, Esq.

CC: Client

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MA DISTRICT COURT
BOSTON MASS

BY HAND

February 6, 2004

Dennis O'Leary,
Courtroom Clerk to the Hon. Mark L. Wolf
United States District Court (D.Mass.)
U.S. Courthouse
1 Courthouse Way
Boston, MA 02210

Re: Republic Restaurant, Inc. v. Hydan Washington Street, Inc., et al.
Civil Action No. 03 12649MLW

Dear Mr. O'Leary:

Enclosed for filing in the above-captioned case please find the Joint Motion to Allow Defendant to File its Answer Late and to Extend Time to Answer.

Best regards,


Merton E. Thompson, Esq.

CC: Client
Matthew E. Mitchell, Esq.

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